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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:14-CR-053-GMN-(CWH)
)	
WILLARD P. WITHAM, SR.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF AMENDED FINAL ORDER OF FORFEITURE AS TO WILLARD P. WITHAM, SR., NUNC PRO TUNC AND ORDER

The United States of America ("United States"), by and through its attorneys, Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully moves this Court to replace the Final Order of Forfeiture as to Willard P. Witham, Sr., (ECF No. 81) with the attached Final Order of Forfeiture as to Willard P. Witham, Sr., nunc pro tunc due to typographical errors.

On December 18, 2014, a Final Order of Forfeiture as to Willard P. Witham, Sr., (ECF No. 81) was filed.

The Final Order of Forfeiture as to Willard P. Witham, Sr., failed to include the Amended Preliminary Order of Forfeiture and its entry date. The Amended Preliminary Order of Forfeiture (ECF No. 48) removed asset number 8, One (1) 2003 black Chevrolet pick-up truck, VIN:

2ECEK19N731288886, license plate number 042 LDH, which was returned by Las Vegas Police Department.

Based on the foregoing, this Court should replace the Final Order of Forfeiture as to Willard P. Witham, Sr., (ECF No. 81) nunc pro tunc.

The minor changes in the nunc pro tunc Final Order of Forfeiture as to Willard P. Witham, Sr., is the following:

- A. On page 1, line 14, change the date from June 24 to July 10;
- B. On page 1, line 14, change "a Preliminary" to "an Amended Preliminary";
- C. On Page 1, line 19, add "Amended" before Preliminary;
- D. On page 1, line 20, change ECF No. 43 to 48;
- E. On page 1, line 25, add "Amended" before Preliminary;
- F. On page 1, line 25, change ECF No. 43 to 48; and
- G. Remove on page 2, lines 11 and 12, of the Final Order of Forfeiture as to Willard P. Witham, Sr. asset number 8: One (1) 2003 black Chevrolet pick-up truck, VIN: 2ECEK19N731288886, license plate number 042 LDH.

Based on the foregoing, this Court should replace the Final Order of Forfeiture as to Willard P. Witham, Sr., (ECF No. 81) with the Final Order of Forfeiture as to Willard P. Witham, Sr., nunc pro tunc.

DATED this 18th day of December, 2014.

IT IS SO ORDERED.



Gloria M. Navarro, Chief Judge
United States District Court

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Daniel D. Hollingsworth
DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

DATED: 01/02/2015

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:14-CR-053-GMN-(CWH)
)
WILLARD P. WITHAM, SR.,)
)
Defendant.)


AMENDED FINAL ORDER OF FORFEITURE AS TO WILLARD P. WITHAM, SR.

On July 10, 2014, this Court entered an Amended Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 924(d)(1) and (2)(C) and Title 28, United States Code, Section 2461(c); Title 21, United States Code, Section 853(a)(1) and (a)(2); and Title 21, United States Code, Section 881(a)(11) and Title 28, United States Code, Section 2461(c) forfeiting property of defendant WILLARD P. WITHAM, SR., to the United States of America. Indictment, ECF No. 11; Change of Plea, ECF No. 41; Plea Agreement, ECF No. 42; Amended Preliminary Order of Forfeiture, ECF No. 48.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Title 18, United States Code, Section 924(d)(1), (2)(C), (3)(B), and (3)(C) and Title 28, United States Code, Section 2461(c); Title 21, United States Code, Section 853(a)(1) and (a)(2); and Title 21, United States Code, Section 881(a)(11) and Title 28, United States Code, Section 2461(c), that the Amended Preliminary Order of Forfeiture (ECF No. 48), listing the following assets, is final as to defendant WILLARD P. WITHAM, SR.:

1. one (1) Taurus .38 caliber revolver bearing manufacturer's serial number LC40499;
2. one (1) Taurus model PT 740 .40 caliber semi-automatic handgun bearing manufacturer's serial number SDT94901;
3. one (1) Kel-Tec model PF-9 9 millimeter semi-automatic handgun bearing manufacturer's serial number S3Y89;
4. one (1) Smith & Wesson model SD40VE .40 caliber semi-automatic handgun bearing manufacturer's serial number HED2760;
5. and all ammunition
6. \$290.00 in United States Currency;
7. \$2,810.00 in United States Currency; and
8. An *in personam* criminal forfeiture money judgment of \$14,570 in United States Currency.

DATED this 2nd day of January, 2015.



Gloria M. Navarro, Chief Judge
United States District Court